United Nations S/2002/973

Security Council

Distr.: General
29 August 2002

Original: English

Letter dated 29 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/638).

The Counter-Terrorism Committee has received the attached supplementary report from Albania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-58799 (E) 260902

Annex

Note verbale dated 21 August 2002 from the Permanent Mission of Albania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Albania to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee, Jeremy Greenstock, and has the honour to forward the addendum to the report of the Albanian Government on the implementation of Security Council resolution 1373 (2001) on combating terrorism (see enclosure).

Enclosure

Addendum to the report of the Albanian Government on the implementation of Security Council resolution 1373 (2001) on combating terrorism

Subparagraph 1(a)

□ **Could Albania please indicate what legislative provisions and procedures exist for monitoring suspicious financial transactions apart from what is mentioned in the report? Are there any legal reporting obligations for financial institutions and other intermediaries (such as lawyers, notaries), that contribute to the prevention of economic and financial operations with terrorist or other criminal aims? What are the penalties attached to non-compliance with the legal obligations?**

For monitoring the suspicious transactions, the Albanian Parliament has enacted the Law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering". The article 4 "The Procedures of Identification", article 5 "Reporting to the Responsible Authority", article 6 "The Obligations of the Entities", article 7 and article 8 "The Duties of the Responsible Authority" of this law provide monitoring of the suspicious transactions.

Other legal provisions on monitoring the suspicious financial transactions, in addition to those mentioned in the Report of the Albanian Government dated 27.12.2001, are included in the provisions of law no. 7764, dated 02.11.1993, "On the Foreign Investments".

The Parliament of the Republic of Albania, with the adoption of the Special Decision no. 7, on October 15, 2001, "Albania: Participant of the Large Alliance Against International Terrorism", concluded the institutional responsibilities in this direction.

The Council of Ministers on May 5, 2000, adopted the Decision no. 217, "On the Financial Supervision", which was amended with the Decision no. 354, date 07.07.2000.

The Government of the Republic of Albania, with the Decision no. 12, dated 28.01.2000 of the Councils of Ministers, adopted The National Plan of Action Against-Terrorism.

Furthermore, The Republic of Albania became party in the 1999 Convention for the Suppression of the Financing of Terrorism, ratified on the 14th of March 2002, with the law no. 8865, decreed on the 19th of March 2002 by the President of the Republic.

An overview of the provisions of law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering".

Pursuant to Article 3

"Subjects": are the natural or legal persons provided for by the Civil Code of the Republic of Albania, which for the purpose of complying with this Law and other by-laws, perform the activities defined by this Law.

Such subjects are the following:

a) Banks and subjects licensed by the Bank of Albania which perform banking and financial activities;

b) Foreign exchange offices;

c) Stock exchange;

d) Investment funds;

e) Insurance companies and/or re-insurance and other legal agencies that exercise insurance activity and/or re-insurance, authorised by the Supervising Insurance Commission;

f) Institutions responsible for the privatization process;

g) Postal services and other intermediaries which perform payment services;

h) Gambling clubs or casinos;

i) Certified public accountants;

j) Every physical person and legal entity whose business is related to:

* Trading of transport means;

* Transport and forwarding (shipping) activities;

. Trading of precious and antique things;

* Evaluation of real estate;

* Administration of a third party property;

* Trading activity with the precious metals or stones;

* Travel agencies;

k) **Attorneys, notaries and representatives by power of attorney**;

l) Tax and customs authorities;

m) Affiliates, branches, agencies or representative offices of a foreign company in and out of the territory of the Republic of Albania;

n) Offices that evidence the conveyances or alienation of the property.

Pursuant to Article 4

All the subjects of this Law should identify the customers before making a transaction over the amounts defined in Article 5 of this Law.

The subjects should identify the customers even in cases when money laundering is pre-informed, obtained through criminal activity, even when the amount of the transaction is below the thresholds defined in Article 5 of this Law.

Pursuant to Article 5

The subjects of this Law shall record all customers' transactions in cash of amounts greater than 2.000.000 (two million) Lek or the counter value in foreign currencies.

After recording the transaction, in case rational suspicion for money laundering arises as defined under this law, the subject shall report to the Responsible Authority not later than 48 hours.

The subjects of this Law shall report to the Responsible Authority all transactions in cash and/or transfers of funds for amounts greater than 70.000.000 (seventy million) Lek or the counter value in foreign currencies.

The subjects of this Law, shall report to the "Responsible Authority" all customers' transactions exceeding the amount of 2.000.000 (two million) Lek or the counter value in foreign currencies in cases when they discern:

a) Abnormalities in customer transactions defined in the Article 2 item 1, especially in deposits, transfers and/or currency exchanges, as well as the issuance of negotiable instruments (check, bill and promissory note);

b) Unjustified, complex and unusual circumstances in the transactions;

c) Transactions that do not appear to have a legal or economic justification;

d) Information that the funds are derived from criminal activity;

e) Suspicions of money laundering that arise after the transaction has been performed and any other case not provided above, when elements of committing the penal offence of money laundering exist.

- The Subjects of this Law should notify the Responsible Authority when they come into possession of information that either confirms or negates the suspicion.

- Only the Administrators, officials or authorized personnel of the subjects, give information to the Responsible Authority.

- For the purpose of this Law and other by-laws, the Responsible Authority will determine the form and procedure of investigating and reporting the information.

Pursuant to Article 8,

For the purpose of supporting and implementing this Law and other by-laws acts, the Responsible Authority shall impose a penalty; freeze in order to prevent any dealing, transfer or disposal of property derived from criminal activity.

Pursuant to Article 14,

- When the performance of the operations or non-operations by the subjects that do not comply with the Article 5 and Article 6 item 1 of this Law do not constitute penal offence, they are administrative infringement and fines are imposed on the subjects from 1.000.000 (one million) Lek up to 20.000.000 (twenty million) Lek.

- When the performance of the operations or non-operations by high level directors of the authorized subjects according to the Article 7 item 1 of this law do not constitute penal offence, they are administrative infringement and fines are imposed on the subjects from 50 000 (fifty thousand) lek up to 100 000 (one hundred thousand) Lek.

- The performance of the operations or non-operations by all persons employed in the subjects defined in this Law who deliberately:

a) Co-operate in concealing or disguising the nature of the transaction, its origin, or in changing the source of the money obtained directly or indirectly by criminal activity;

b) Try to accept a false identity;

c) Destroy or change the ledgers and do not report the international transfer of funds or securities which do not constitute a penal offence, are administrative infringement and a fine of 100.000 (one hundred thousand) Lek up to 300.000 (three hundred thousand) Lek is imposed on them.

In each case the "Responsible Authority" imposes the fine.

The procedure of complaining and executing the decisions concerning administrative infringement is done in accordance with the Law No. 7697, dated 7.04.1993 "On Administrative Infringement".

Subparagraph 1 (b)

- **Please describe the relevant provisions aimed at preventing terrorist funding activities as referred to in the report.**

- **Does Albania propose to include the offences referred to in the convention for the suppression of Financing Terrorism in its Penal Code**

The provisions aiming at preventing terrorist funding activities are:

The provisions of Penal Code of the Republic of Albania:

Article 30/2 "*Supplementary punishments*"

Besides the principal punishment, a person who has committed offences or criminal contravention may also be sentenced to one or some of the following supplement punishments:

.....

2. Confiscation of the means relevant to the commitment of the criminal act and of the profits deriving from it;

Article 36 "*Confiscation of the means for committing the criminal act*"

Confiscation is necessarily decided by the court on persons committing criminal acts, and consists in the seizure and transfer in favor of the state of the means which have served or were chosen as a means to commit a criminal act, as well as the objects, money, and any other property resulting from the criminal act or the reward given or promised for its commitment.

Article 287 "*Alienation of property*"

Alienation, transferring, hiding, disappearing of nature, source, belonging of property originated from criminal activity, is sentenced from three to ten years of imprisonment.

Article 287/a

Financial transactions or other economic actions, which are intended for money laundering or deriving from criminal activities as well as their re- circulation and use for whatever entrepreneurship or economic activities, is sentenced from five to ten years imprisonment.

When this criminal act is committed in collaboration or more than one time, is sentenced from seven to fifteen years of imprisonment, and, when it has caused serious consensus, it is sentenced not less than fifteen years imprisonment.

– Law No. 7905, on 21.03.1995, "Code of Criminal Procedure of the Republic of Albania"

Article 274. "*The scope of the preventive attachment*"

1. When there is a danger that free possession of an object related to the criminal offence may aggravate or prolong its consequences or facilitate the commission of other criminal offences the competent court, on demand of the prosecutor, orders its attachment by reasoned decision.

2. The attachment may be also ordered for objects, which are may be confiscated.

3. When the circumstances of execution change, the court, on demand of the prosecutor or interested person, nullifies the attachment.

Law No. 8365, on 02.07.1998 "On banks in the Republic of Albania"

Article 44/2

2. In case of violation of a provision of this Law or of any regulation or order of the Bank of Albania, violation of any condition or restriction attached to an authorization issued to an institution by the Bank of Albania, breach of a fiduciary duty, or unsafe or unsound operation of the institution or any of its subsidiaries, the Bank of Albania may take the following actions or impose the following penalties, not necessarily in the order presented:

a) Issues written warnings for the administrators;

b) Orders the bank to submit to the Bank of Albania a satisfactory program of remedial action;

c) Orders the bank to cease and desist from such infractions and undertakes remedial action;

d) Requires that the bank ceases some or all of its operations or refrain from payment of dividends;

e) Imposes fines on the administrators not to exceed 8 months salary, and on the bank, not to exceed 20 million leks;

f) Suspends the administrators from positions in a bank for a period not to exceed 12 months;

g) Requires the bank to dismiss one or all of its administrators from positions in the bank;

h) Orders the bank to terminate the remuneration of the administrators;

i) Takes over the management of the bank for a period not to exceed 12 months and dismiss any or all administrators and officers of the bank; or

j) Revokes the license of the institution.

Article 45/3

3. The penalties described in Article 44 may be applied to any person prescribed in Article 1(3). The Bank of Albania shall also be empowered, to limit or liquidate the business of such person. The provisions of Articles 51 to 54 shall apply to such person.

– According to the Albanian Constitution the Convention for the Suppression of Financing Terrorism is directly applicable upon its ratification. However, the relevant institutions of the Republic of Albania will review the provisions of the Penal Code in order to adjust them in accordance with the provisions of the above-mentioned Convention.

Subparagraph 1 (c)

– **Please describe the current legal provisions that enable the freezing of funds and economic resources that are (suspected to be) used for the financing of terrorism. Do these provisions also cover the clauses in the UN Resolution 1267, 1333 (as amended by 1390) and 1373 pertaining the freezing of funds? In addition, please describe the relevant provisions of Law No. 8160 that enable the freezing of funds.**

Among the legal provisions, which enable the freezing of funds and economical resources that are (suspected to be) used for financing terrorist activities, are those of the Law No. 8610, on 15.05.2000 "*On money laundering*" as well as the provisions of the Law "*On banking system in the Republic of Albania*".

The SC resolutions 1267, 1333 (as amended by 1390) and 1373 are directly applicable by the Albanian relevant institutions.

Other legal provisions in this respect are:

– Criminal Procedural Code of the Republic of Albania, Section III (dealing with sequestration),

Article 207: "*Sequestration during inspection*"

The objects, which are found during the inspection, may be attached in compliance with provisions on attachment.

Article 208: "*The scope of sequestration*"

1. The judge or the prosecutor are entitled to order, by motivated writ, the attachment of real evidence and objects connected with the criminal offence, when they are indispensable to reveal the facts.

2. The attachment is carried on by the one who has issued the writ or by the officers of the judicial police being authorized by the same writ.

3. The copy of the writ of attachment is handed to the interested person, if present.

Article 209: "*Sequestration of correspondence*"

1. When the court has grounded reasons to think that in the telegraphic or mail service offices there are letters, envelopes, boxes, telegrams and other objects of correspondence sent from or to the defendant, even under other name or through another person, it orders their sequestration.

2. When an officer of the judicial police makes the sequestration, he must hand to the judicial authority the sequestrated objects of the correspondence without opening and without having got access to them by any other means.

3. The sequestrated objects that are not part of seized correspondence shall be restituted to the one they belong and may not be used.

– Law No. 8865, on 14.03.2002 for the ratification of the Convention for the Suppression of Financing Terrorism;

– Law No. 6846, on 20.07.2000 for the Ratification of the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

– Code of Criminal Procedure

Article 203: "*Delivery request*"

1. When a certain object is being searched for, the proceeding authority may ask its handing. In case the object is handed, then the inspection is not completed, except when it is considered necessary.

2. In order to specify the objects, which may be sequestrated, or to reveal specific circumstances, necessary for the investigation, the proceeding authority or its authorized officers of judicial police may inspect the bank operations, documents and correspondence.

Subparagraph 1 (d)

- **Please provide an outline of the relevant provisions of the Law "On Banks in the Republic of Albania" that prohibit transactions related to criminal activity,**
- **Are there regulations governing the collection and use of funds by charitable organizations?**

According to the Law "On Banks in the Republic of Albania", Articles 55, 56, banks are obliged to ban transactions in money or other properties deriving from criminal activities or which are intended to cover the illegal origin of the property.

According to the article 24 of this law:

1. No bank shall conceal, convert, or transfer currency or other property, knowing that such property is derived from criminal activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in such activity to evade the legal consequences of his action.

2. The Bank shall not disclose the fact that such information is passed to the authorities responsible for fighting against money laundering, or is required by them, or that investigation procedures have started, or that orders for non execution of the operation are given, except when such an information is requested by the competent jurisdiction.

3. The knowledge described in paragraph 1 may be inferred from objective factual circumstances.

4. Notwithstanding Article 23, banks having rational suspicions shall, on their own initiative, inform the authorities responsible for combating money laundering of the evidence that property is derived from criminal activity and

provide, at the authorities' request, any additional related information, in accordance with the procedures established by applicable legislation.

5. A bank shall be responsible only for full and adequate client identification. A bank should have a good knowledge of its clients and their volume of operations. When a bank provides information that is referred to in paragraph 1 in good faith, the bank shall be exempted from liability of any kind for complying with this Article and/or for breach of any restriction on disclosure of information, regardless of the result of the communication.

6. For the purposes of this Article, "bank" includes employees, administrators and owners of a bank, and authorized deposit-taking institutions according to Article 4.

– Law No. 8788, on 07.05.2001 "*On non-profiting organizations*" governs the collection and use of funds by charitable organizations.

Subparagraph 2 (a)

- **Could Albania please describe the legal provisions relating to the sale, possession, manufacturing, transport and storage of weapons within and from the territory of Albania?**

- **Are there any regulations relating to international trade in weapons?**

The legal provisions related to selling, possessing, producing, transporting and storing of weapons are provided by the Criminal Code of the Republic of Albania.

The article 234 of this law provides that: "Producing, storing, transporting of military, chemical, biological, nuclear weapons which have poisonous or explosive base, with the intent of committing acts of terrorism, is sentenced from five to fifteen years of imprisonment".

(a) Article 278 — Penal Code

Manufacturing military weapons and ammunition, bombs and mines, without the permission of competent state bodies, is sentenced from five to ten years of imprisonment.

Holding, buying or selling weapons, bombs or mines without the authorization of state competent bodies, is sentenced to a fine or up to seven years of imprisonment.

Holding bullets of light military weapons without the authorization of state competent bodies constitutes criminal contravention and is sentenced to a fine or up to one year of imprisonment.

When the same act is committed for big quantities, in co-operation, more than once, or resulted with grave consequences, it is punishable with imprisonment by five to fifteen years.

Penal Code, Article 278/a, provides another provision related to the prevention of weapon transporting and international commerce of weapons.

This provision provides that:

- importing, exporting, transport and trading with military weapons and military ammunition in contravention with the law, aiming material, or other benefits is punishable by seven to fifteen years of imprisonment.

- The same act, when committed in co-operation, more than once, or led to grave consequences, is punishable by ten to twenty years of imprisonment.

Law no. 7566, (25.05.1992) "On weapons", ascertains what is considered a weapon, who is entitled to be in possession of it etc.

Law no. 8388, (05.081998), "On collection of weapons and ammunition from civil population", provides the legal ground on weapon collection from the hands of civil population.

In regard to the legal provisions on international trading of weapons, on selling, possessing, manufacturing, transporting etc, the Albanian Government refers with respect to all the UN General Assembly Resolutions, related to weapon embargoes and restrictions.

Subparagraph 2 (b)

□ **What mechanism is in place in Albania to provide an early warning to other states in regard to terrorist activities?**

Fully evaluating the insecurity and actual situation after the terrorist attacks of September 11 in the US, and considering itself part of the international action on counter-terrorism, the Albanian Government has engaged in this action its specialized structures such as the Sector on Combating Terrorism, which is part of the State Police. In order to have under control the situation in combating terrorism; the structure entitled to carry out this function is constituted as a hierarchy from center to base, in an interconnection manner. The frontier police and public order police while performing their functional duties, back this specialized sector with the necessary information,

In addition to the ratified or accessed Conventions, mentioned in the previous submitted Report (27.12.2002), The Republic of Albania has become party in the following conventions:

- Convention on the Physical Protection of Nuclear Material, adopted in Vienna on March 3, 1980, accessed with law no. 8853 (31.01.2001);
- Rome 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, accessed with law no. 8850, dated 27.12.2001, and the 1988 Protocol For the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf;
- 1998 Convention for the Suppression of Terrorist Bombings, accessed with law no. 8836, (22.11.2001).

Subparagraph 2 (d)

□ **Please describe articles 297 and 299 of the Penal Code that aim at preventing terrorist from using Albanian territory?**

Articles 297 and 299 provide the provisions of the Penal Code, which aim to prevent the use by terrorists of the territory of the Republic of Albania.

Article 297 titled: "Illegally crossing state border", provides that:

"Illegally crossing the state borders constitutes criminal contravention and is sentenced to a fine, or up to two years of imprisonment and when organized for lucrative purposes, it is punishable by imprisonment up to 10 years".

Meanwhile, the article 299 titled "Breach of Flight Rules", provides that:

"Breach of international flight rules such as entering or leaving the territory of the Republic of Albania without a flight permit, ignoring flight lanes, landing places, flight corridors, or designated cruising altitude, is punishable by a fine or up to five years of imprisonment".

Subparagraph 2 (e)

- **Please provide an outline of the current relevant provisions of the Penal Code criminalising terrorist groups and terrorist activities.**
- **Please provide a progress report on the draft law On Prevention and Combatting Terrorism and a copy of the relevant provisions as soon as it is brought in force.**
- **Are all the relevant provisions of the Penal Code of Albania applicable in all the following circumstances:**
  - **acts committed outside Albania by a person who is a citizen of, or habitually resident in, Albania (whether that person is currently present in Albania or not);**
  - **acts committed outside Albania by a foreign national who is currently in Albania?**

The provisions of the Penal Code that intend penalizing terrorist groups or activities are provided by articles 28, 230 and 233 of the same Code (Penal Code).

The Article 28, provides punishment for creation and participation in an armed gang or in criminal organization that represent particular form of collusion which differ, not only with respect to the number of participants, but also on their level of organization and persistence to commit a number of criminal acts.

Article 230 of the Penal Code titled, "Terrorist acts", provides that:

"Committing violent acts against the life, health of people, personal freedom through kidnapping of people, or hijacking public transportation, with the intent to seriously disturb public order and instilling fear and uncertainty in the public is sentenced to no less than fifteen years of imprisonment or to life imprisonment".

Article 233 of the Penal Code titled "Creation of armed gangs" provides that:

"Creating armed gangs to oppose on the public order through violent acts against life, health, personal freedom of the individual, property, with the intent of instilling fear and uncertainty to the public, is sentenced up to ten years of imprisonment".

According to article 6/2 of the Penal Code, Criminal law of the Republic of Albania shall also be applicable to the Albanian citizen who commits an offence within the territory of another country, when that offence is concurrently punishable, unless a foreign court has given a final sentence. In the sense of this article, Albanian citizens shall also be considered those persons who hold another nationality besides the Albanian one.

According the article 7/2 of the Penal Code, The penal legislation of the Republic of Albania is also applicable to a foreign citizen who, outside of the Republic of Albania, commits against the interests of the Albanian State or an Albanian citizen one of the following offences:

a) crimes against humanity;

b) crimes against the Albanian independence and its constitutional order;

c) terrorism;

d) organization of prostitution, illegal manufacturing and trafficking of drugs, other narcotic substances, of weapons, nuclear substances, as well as pornographic materials;

e) hijacking airplanes or ships;

f) falsifying the Albanian state seal, Albanian currency, or Albanian bonds or stocks;

g) crimes which affect the life or health of Albanian citizens, to which the law provides for a punishment by imprisonment of five years or any other heavier punishment.

Article 111 of the Penal Code

Hijacking planes, ships and other means of transportation that carry people is sentenced from ten to twenty years of imprisonment.

Subparagraph 2 (f)

□ **Are there any legislative or other measures available to provide assistance to other states in criminal investigations and criminal proceedings?**

Among the legal measures which consist in providing legal aid and assistance to other states related to the criminal investigation and proceeding, within the framework of multilateral co-operation, The Republic of Albania has ratified:

1. "The European Convention of the Council of Europe, on the Transfer of Proceedings in Criminal Matters", with law no. 8497, dated 10.06.1999.

2. The Convention of the Council of Europe "On Mutual Assistance in Criminal Matters", with law no. 8498 dated 10.06.1999.

Certain legal provisions, which guarantee full assistance to other countries, are provided for implementation in case of criminal investigation and proceedings, on the ground of criminal charges on individuals staying or residing in Albania.

- Article 488 of the Penal Code on extradition,
- Article 493 of the Criminal Procedure Code, on measures of restriction and sequestration,
- Article 494 — temporary execution of restrained measures, article 495 — detention by court police.
- Article 505 of the Criminal Procedure Code, related to the correspondence with other countries etc.

Subparagraph 2 (g)

□ **What is the mechanism for Inter-agency co-operation amongst the authorities responsible for narcotics control, financial tracking and security in particular with regard to border control?**

Law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering";

Article 10 — "Reporting the transactions at the customs".

1. Resident and non-resident individuals, upon entry or exit from the Republic of Albania, are bound to declare at the Customs amounts in cash or travel checks, equal to or greater than 10,000 (ten thousand) USD or the counter value in foreign currency.

2. Individuals, foreigners that temporarily visit Albania can take out of the Republic of Albania, foreign currency in cash or travel checks, up to the amount declared upon entry by providing the proper declaration at the Customs.

3. The Customs shall instantly report to the Responsible Authority at the same form and manner as foreseen for the other subjects prescribed in this Law, in cases when:

   a. Customs find evidence of money laundering,

   b. Violation of this law is observed.

Subparagraph 3 (a), 3 (b)

□ **Please explain how Albania meets the requirements of these Subparagraphs.**

In the domain of international co-operation, providing aid and information in the framework of international law and internal legislation, the Republic of Albania has ratified some international instruments such as:

1. European Convention on Mutual Assistance in Criminal Matters and its two Additional Protocols.

2. European Convention on Information on Foreign Law.

3. European Agreement on the Transmission of Applications for Legal Aid, and its Additional Protocol.

4. The agreement between Republic of Albania and Republic of Greece "On Legal Aid in Civil and Criminal Cases".

5. The agreement between Republic of Albania and Republic of Turkey "On mutual legal aid in civil, trade, and criminal domain".

6. The agreement between the Albanian and Macedonian Government for reciprocal execution of court decisions taken upon criminal cases.

7. The loan agreement for development "The project of legal and juridical reform", between Republic of Albania and the International Development Association (IDA).

Subparagraph 3 (e)

□ **Please provide a progress report on the ratification or accession to the International Conventions on the Prevention and Suppression of Terrorism to which Albania is not yet a party. As there is no reference in the report to the Convention on the Marking of Plastic Explosives for the Purpose of Detection, what are the intentions of Albania to become a party to this Convention?**

□ **Please explain how the relevant conventions that Albania already has ratified, are incorporated into its domestic laws. Will this be governed by the draft law on Prevention and Combating Terrorism?**

□ **Are all the crimes referred to in the relevant conventions included as extraditable offences in bilateral treaties concluded with other countries?**

Albania has speeded up its efforts for becoming part of all International Agreements and Conventions in the domain of counter-terrorism.

In addition to Conventions mentioned in the presented report, and in the paragraph 2 (b) of this report, The Republic of Albania has become party of the following Conventions:

1. "International Convention on the Suppression of the Financing of Terrorism", which entered in force in the Republic of Albania on May 10, 2002;

2. International Convention "Against the Organized International Crime", (Palermo 2000) and its two additional protocols "On preventing, impediment and punishment of the human trafficking, especially women and children".

3. European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, entered in force for the Republic of Albania on February 1, 2002.

4. In the regional framework, Albania has ratified the Agreement "On Combating the International Organized Crime, signed in Bucharest on the 26th of May 1999.

5. As for the 1991 Convention on Marking of Plastic Explosives for the Purpose of Detection, this Convention is in process of ratification.

In the framework of activities undertaken on countering terrorism, the Albanian authorities are also implementing the provisions of Law no. 8492 dated 27.05.2000 "On Foreigners", the Decision of the Council of Ministers no. 437, (04.08.2000) "On the regime of entry and residence of foreign citizens in the Republic of Albania", as well as the joint Deliberation no 2430 (14.05.2001) of the Minister of Foreign Affairs, and the Minister of Public Order, "On the procedures of entry, residence, and treatment of foreign citizens in the territory of the Republic of Albania".

b. Pursuant to Article 5 of the Constitution, The Republic of Albania applies international law that is binding upon it.

- Article 122 of the Constitution

1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementing and repeal of laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.

2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.

3. The norms issued by an international organization have superiority, in case of conflict, over the laws of the country if the agreement ratified by the Republic of Albania for its participation in the organization expressly contemplates their direct applicability.

Moreover, pursuant to article 123 of the Constitution, The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific issues.

3. Albania is a signatory of bilateral treaties for reciprocal extradition with the Republic of Greece, Government of FYR Macedonia, and recently with the Egyptian Government.

In these treaties is provided that criminal offences of political, military and fiscal nature are not extraditable. These criminal offences are not included in the treaties because of binding provisions of the European Convention "On the Suppression of Terrorism" which was ratified by Albanian Parliament with law no. 8642 on July13, 2000. This Convention provides that the above-mentioned offences are not to be considered political offences, linked to a political offence, or deprival from political goals.

Subparagraph 3 (f)

- **Please describe the relevant provisions of the Law "On the Foreigners" and the Law "On asylum in the republic of Albania" that contribute to compliance with this Subparagraph and provide a progress report on both the amended laws.**

The Albanian Authorities are about to review the Law no. 8492 (27.05.1999) "On the Foreigners", and Law no. 842 (14.12.1998) "On asylum in the Republic of Albania".

Subparagraph 3 (g)

- **Please explain if extradition is arranged by an act or is a subject to bilateral treaties?**

- **Are claims for political motivation grounds for refusing extradition of an alleged terrorist?**

a. Provisions on extradition are provided by Title X, Chapter I, of Sections I and II of the Criminal Procedure Code.

The Republic of Albania has ratified the European Convention "On Extradition", and its two additional Protocols. Pursuant to article 122 of the Constitution, the provisions of this Convention constitute part of the internal juridical system and have superiority over laws of the country that are not compatible with it.

The Albanian Police accessed Interpol in 1991.

b. During the negotiations on extradition cases, no rejections were verified, even concerning individuals with terrorist tendencies.

Article 11 of the Penal Code provides that "Extradition may be granted only when explicitly provided by international treaties where the Republic of Albania is party".

– Article 491 of Criminal Procedure Code provides the conditions under which the request for extradition will be rejected.

1. Extradition shall not be granted:

a) if the act constituting the object of the request for extradition is of political character or when it results that it is requested for political reasons,

b) if there are grounds to believe that the person subject to extradition shall be persecuted or discriminated because of his race, religion, sex, citizenship, language, political belief, personal or social state or cruel, inhuman or degrading punishment or treatment or acts which constitute violation of fundamental human rights,

c) if the person subject to the request for extradition has committed a criminal offence in Albania,

d) if he is being tried or has been tried in Albania regardless the criminal offence has been committed abroad,

e) if the criminal offence is not provided as such by the Albanian legislation,

f) if the Albanian state has granted an amnesty for this offence,

g) if the requested person is Albanian citizen and there is no agreement otherwise providing,

h) if the law of the requesting state does not provide the prosecution or the punishment for the same.

• **Other matters**

Could Albania please provide an organisational chart of its administrative machinery, such as police, immigration control customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution

For the Implementation of Law No. 8610, dated 17.05.2000 "On Prevention of Money Laundering", at the Ministry of Finance is established the "Department Coordinating the Combat Against Money Laundering".

The Department of Coordinating the Combat Against Money Laundering has the following duties:

– prevention of money laundering through maintaining, assessing, make evident and preserve the information and data submitted; impose a penalty, freeze in order to prevent any dealing, transfer or disposal of property derived from criminal activity;

– operational co-operation with other structures involved in the implementation of the law within Ministry of Finance, Ministry of Public Order, Prosecution Office, State Informative Service.

– co-operation with homologue bodies as well as with international authorities;

– applying investigative techniques facilitating the identification and tracing of proceeds deriving from criminal offences;

– reporting to the Prosecutor's Office on evidences and proofs regarding the penal offence of money laundering;

– investigation and identification of crime income generation and products;

– impose penalties in case of contraventions which consist in breach of the Law No. 8610, dated 17.05.2000;

– drafting of cooperation programs as well as mutual assistances intending prevention of money laundering in different countries, grounded by the international ratified conventions.

After the terrorist attacks of September 11, 2001, the Albanian Government approved some measures intending to strengthen the border control regarding prevention of international terrorists to enter Albania. Special measures to this goal were taken at the principal harbors, as well as in Tirana International Airport.

Albanian Government by the Decision No. 669 dated 7 December 2001 made the following amendments to the Decision No. 439, dated 4.08.2000 "On the regime of entry and residence of foreign citizens in the Republic of Albania".

Foreign citizens from Singapore, Saudi Arabia, Bahrain, Oman, Qatar, Kuwait, Egypt, United Arab Emirates should apply for visa in the Albanian embassies in order to enter freely the Albanian territory. The Ministry of Public Order and the Ministry of Foreign Affairs are in charge of the implementation of this Decision.

In October 2001, the Albanian Government, in co-operation with Italian, German and Greek Governments, established in Vlora the Anti-Trafficking Center, which aims to prevent regional traffics including weapon and human traffics.

United Nations S/2002/974

Security Council

Distr.: General
29 August 2002

Original: English

Letter dated 29 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 14 August 2002 (S/2002/954).

The Counter-Terrorism Committee has received the attached supplementary report from Uzbekistan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-58025 (E) 230902 260902

Annex

Letter dated 26 August 2002 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 28 May 2002 conveying the preliminary comments/questions by the Counter-Terrorism Committee on the report of the Government of the Republic of Uzbekistan submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001), I have the honour to enclose the reply of the Government of Uzbekistan to those comments/questions (see enclosure).

(*Signed*) Alisher **Vohidov**
Permanent Representative

Enclosure

[Original: Russian]

Subparagraph 1 (b)

In accordance with articles 4 and 5 of the International Convention for the Suppression of the Financing of Terrorism (New York, 10 January 2000), ratified by resolution No. 225-II of 12 May 2001 of the Oliy Majlis (Parliament), the State party shall adopt such measures as "may be necessary to establish as criminal offences under its domestic law offences related to terrorist actions and to make those offences punishable by appropriate penalties which take into account the grave nature of the offences. The State party shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence".

Under article 29 of the Act of 15 December 2000 on combating terrorism, the financial penalties consist of confiscation and transfer to the State of the assets of an organization recognized as a terrorist organization, regardless of its status. The confiscation of assets is possible only after a given organization has been recognized as a terrorist organization by a court of the Republic of Uzbekistan.

The legislation in force does not provide for any other financial penalties against individuals or legal entities for offences related to terrorist actions.

Under article 211, paragraphs 1 and 5 of the Code of Criminal Procedure, when issuing a verdict in a criminal case (including cases of offences related to terrorist actions), the court shall resolve questions related to material evidence in accordance with the following rules:

- Weapons belonging to the suspect, the accused or the defendant that were used in the offence shall be subject to confiscation and shall be transferred to the appropriate institutions or destroyed;

  Money and other assets which have been acquired by criminal means shall be used to provide restitution for material damage caused by the offence, on the basis of a court order; where it has not been established that anyone has suffered material damage, such assets shall be turned over to the State.

In accordance with article 8 of the Act on combating terrorism, the State bodies responsible for counter-terrorism are the National Security Service, the Ministry of Internal Affairs, the State Committee on the Protection of the State Border, the State Customs Committee, the Ministry of Defence and the Ministry of Emergency Situations. These State bodies are empowered, within the limits of their competence, to identify, locate, block or seize any resources used or intended to be used to commit offences related to terrorist actions, and also income obtained as a result of such offences.

Subparagraph 1 (c)

Article 243 of the Criminal Code of 22 September 1994 provides for punishment in the form of imprisonment for a period of 5 to 10 years for the legalization (laundering) of income derived from criminal activity (transfer, conversion or exchange of property acquired as a result of criminal activity, and also the concealment of the actual nature, source, location, disposition and transfer of the original rights to property or its ownership, if such property has been acquired as a result of criminal activity).

Actions are categorized in this way if the income which the guilty party tries to legitimize has been obtained from criminal activity such as the drug business, sexual or other exploitation, smuggling, dissemination of pornography, trade in weapons and other items which are not in free circulation, and other activities which, under the Criminal Code in force, are regarded as criminal.

In cases where the guilty party, when legitimizing income obtained from criminal activity, at the same time knowingly sends funds to finance the activity of criminal organized armed groups, the action is categorized as a combination of the offences envisaged in articles 242 (Organization of a criminal association) and 243 (Legalization of the proceeds of criminal activities) of the Criminal Code.

Article 290 of the Code of Criminal Procedure regulates the procedure for seizing the property of a suspect (accused person or civil respondent) to ensure the fulfilment of sentences in civil suits and other property disputes.

Article 290, part three provides that in cases where inhabited or uninhabited buildings, regardless of the form of ownership, are used to commit offences — high treason, attack on the constitutional order or against the President of the Republic of Uzbekistan; terrorism or sabotage; or these offences are accompanied by pre-meditated murder, assault robbery or other grave offences — such buildings shall be subject to seizure.

Subsequently, when issuing a guilty verdict in accordance with the requirements of article 211 of the Code of Criminal Procedure of 22 September 1994, the court, taking into account the extent of the damage in the case, shall resolve the question of seizing monetary holdings in order to offset the damage caused.

Subparagraph 1 (d)

- Under Presidential Decree No. 837 of 20 April 1994, foreign currency controls for the export and import operations of individuals and legal entities are carried out by the Central Bank of the Republic of Uzbekistan and authorized banks, together with the State Tax Committee, the State Customs Committee and the Ministry of Finance. This regulatory enactment prohibits residents of the Republic of Uzbekistan from making settlements related to export and import operations with foreign partners through such firms' accounts with foreign banks.

In accordance with the aforementioned Decree, export contracts are registered at the Ministry of Foreign Economic Relations, as well as at authorized banks. Under Order No. 95 of the Cabinet of Ministers of 13 March 1996 on measures to

improve monitoring of the use of foreign currency funds in the conduct of foreign trade operations, all import contracts are registered, either at authorized banks or at the territorial subdivisions of the customs service. The objective of introducing a requirement to register all import contracts with these entities is to establish a means of monitoring the proper and timely fulfilment by the parties of their obligations under contracts concluded by them.

Order No. 245 of the Cabinet of Ministers of 29 June 2000 on measures for the further development and strengthening of the commercial foreign exchange market prohibits the transfer of advance payments and payments for work (or services) into offshore zones.

In accordance with the established procedure for the management of foreign currency accounts by authorized banks:

1. Resident legal entities holding funds in foreign currency accounts may issue instructions to:

(a) Transfer funds abroad, under the established procedure for the export and import operations of account holders, corresponding to the aims and objectives of its authorized activity;

(b) Use funds for the payment of bank commissions and postal-telegraph expenses and for business trip expenses, including visa formalities;

(c) Pay or transfer funds, in the territory of Uzbekistan, in amounts corresponding to the purchase rate valid for the foreign currency on the date of the operation;

(d) Deposit funds into the authorized capital of an enterprise in another country, or for other purposes related to the movement of capital (with the permission of the Central Bank of the Republic of Uzbekistan);

(e) Use funds for the payment of loans, interest, dividends and other purposes, envisaged by the legislation in force.

2. Non-resident legal entities holding funds in foreign currency accounts may issue instructions to:

(a) Transfer funds abroad in a form acceptable to the bank;

(b) Make payments in foreign cash currency for business trip expenses, for export abroad;

(c) Pay or transfer funds, in the territory of Uzbekistan, in amounts corresponding to the purchase rate valid for the foreign currency on the date of the operation;

(d) Use funds for other purposes envisaged by the legislation in force.

3. Resident individuals holding funds in foreign currency accounts may issue instructions to:

(a) Transfer funds:

– to the account of a close relative residing permanently abroad, including those living temporarily there, provided that notarized copies of documents attesting

to the close relationship are submitted (such as a passport, birth certificate or marriage certificate, etc.);

- to another country for the payment of alimony, provided that documentation attesting to the legitimacy of the payments is submitted;

- to another country on the basis of an invoice, bills or other documents made out in the name of the account holder and/or his or her close relatives, for education, medical care, patents and copyright, for the payment of the consular services of other States, for participation in competitions, exhibitions and contests and for expenses related to placement in employment contracts;

- to accounts in foreign banks that have been opened in the holder's name, with the permission of the Central Bank of the Republic of Uzbekistan;

(b) Use funds for payments in foreign cash currency (payment instruments in foreign currency), including for export abroad. Authorization for the export of foreign currency is issued in an amount determined in accordance with the legislation;

(c) Pay or transfer funds, in the territory of Uzbekistan, in amounts corresponding to the purchase rate valid for the foreign currency on the date of the operation;

(d) Use funds to pay commissions for operations carried out by authorized banks;

(e) Use funds for other purposes, envisaged by the legislation in force.

4. Non-resident individuals holding funds in foreign currency accounts may issue instructions to:

(a) Transfer such funds abroad in a form acceptable to the bank (bank transfer, cheque, etc.);

(b) Use funds for payments in foreign cash currency (payment instruments in foreign currency) including for export abroad. Authorization for the export of foreign currency is issued in an amount determined by the legislation;

(c) Pay or transfer funds, in the territory of Uzbekistan, in amounts corresponding to the purchase rate valid for the foreign currency on the date of the operation;

(d) Use funds to pay commissions for operations carried out by authorized banks;

(e) Use funds for other purposes envisaged by the legislation in force.

All monetary transfers and operations involving foreign currency are carried out through authorized banks, in accordance with the requirements of the legislation in force.

Under the Act of 21 December 1995 on the Central Bank of the Republic of Uzbekistan, the Central Bank is the supervisory body for banking activity. It carries out audits and receives reports of banking activities.

In the event that banks or their branches violate the banking legislation and established financial regulations, the Central Bank of the Republic of Uzbekistan

may levy a fine of up to 0.1 per cent of the minimum amount of the authorized capital, or restrict certain operations for a period of up to six months.

If the violations or operations carried out by the bank actually jeopardize the interests of investors and creditors, the Central Bank of the Republic of Uzbekistan may:

(a) Levy a fine of up to 1 per cent of the minimum amount of the authorized capital;

(b) Require that the bank take measures to restore its financial health, including modification of its asset structure, reduction of the bank's expenditure and cessation of the payment of dividends to shareholders, replacement of the directors of the bank or its branches, reorganization of the bank, and liquidation of branches;

(c) Modify the financial requirements for the bank for a period of up to six months;

(d) Prohibit the bank from carrying out certain banking operations for a period of up to one year, and also prohibit it from opening branches for the same period;

(e) Establish a trust for the bank, according to the trustee the full powers of the bank's officials and shareholders, for the period required to restore the bank's financial health or to meet the requirements laid down by the Central Bank;

(f) Revoke the licence to carry out banking operations.

- Under article 75 of the Civil Code and articles 8 and 12 of the Act of 14 April 1999 on non-governmental, non-profit organizations, a charity is required to observe the law, to use its assets for the purposes set out in its charter and to ensure that information on the use of its assets and funds is accessible. The charity is required to publish an annual report on the use of its assets.

Under article 53 of the Civil Code, legal entities can be liquidated by court order if they carry out activities prohibited by law.

Article 29 of the Act of 15 December 2000 on combating terrorism provides for the liquidation of organizations recognized as terrorist in nature and the confiscation of their assets, which become State property.

- See part one of this subparagraph.

Subparagraph 2 (a)

- The Act of 15 December 2000 on combating terrorism establishes the liability of individuals and organizations for participation in terrorist activities.

Under the Constitution of 8 December 1992, the Constitutional Court of the Republic of Uzbekistan interprets the law, on the basis of the Act of 30 August 1995 on the Constitutional Court of the Republic of Uzbekistan.

- Article 242 of the Criminal Code establishes liability for the organization of criminal associations, i.e., the establishment or leadership of a criminal association or its subdivisions, as well as activities aimed at supporting their existence and functioning.

The State bodies responsible for combating terrorism are carrying out practical measures to prevent such illegal actions, primarily using covert means and methods (this information is confidential and strategic in nature; the provision of such information would therefore be inappropriate).

- In accordance with the Act on combating terrorism, all the State bodies listed in the Act take measures within their fields of competence as set out in articles 9 to 13 of the Act, to prevent the establishment in the territory of the Republic of Uzbekistan of armed groups capable of taking part in terrorist actions and possessing terrorist weapons.

- The Criminal Code of 22 September 1994 contains a series of articles that establish liability both directly for terrorism (article 155 "Terrorism") and for offences which contribute to the preparation and perpetration of terrorist acts, including: smuggling of various types of weapons and their ammunition (article 246 "Smuggling"); and actions related to the illegal circulation of weapons (article 247 "Illegal procurement of firearms, ammunition, explosive substances or explosive devices", article 248 on "Illegal possession of weapons, ammunition, explosive substances or explosive devices", and article 249 on "Negligent storage of firearms and ammunition").

Legal regulatory instruments are currently being drawn up to govern questions related to the acquisition and possession, import and export of firearms in the Republic of Uzbekistan.

Subparagraph 2 (b)

- The basic legislation governing the activities of law enforcement bodies in the Republic of Uzbekistan in combating terrorism is the Programme of measures to strengthen efforts to combat reactionary extremism and terrorism, adopted in July 2000, and the Act of 15 December 2000 on combating terrorism.

In accordance with article 8 of the Act, the following State bodies are responsible for counter-terrorism: the National Security Service, the Ministry of Internal Affairs, the State Committee on the Protection of the State Border, the State Customs Committee, the Ministry of Defence and the Ministry of Emergency Situations.

The National Security Service ensures the coordination of the activities of the bodies participating in the efforts to combat terrorism, and their cooperation in the prevention, detection and interdiction of terrorist activity and in minimizing the consequences of such activity.

These counter-terrorist activities are conducted on the basis of a whole range of political, social, economic, legislative and other preventive measures by State bodies, independent bodies and private associations, as well as by enterprises, institutions and organizations (article 5 of the Act).

Articles 9-14 of the Act on combating terrorism define the powers of the bodies listed above.

"Article 9. Counter-terrorism powers of the National Security Service of the Republic of Uzbekistan

The National Security Service of the Republic of Uzbekistan shall:

Conduct efforts to combat terrorism, including international terrorism, by preventing, detecting and interdicting terrorist activities;

Collect and analyse information on the activities of terrorists, terrorist groups and terrorist organizations, assess the threats posed by them to national security and provide the relevant ministries, State committees and departments with the necessary information;

Provide protection for particularly important or classified sites in the Republic of Uzbekistan and also for State establishments situated outside the territory of the Republic of Uzbekistan, the staff of such establishments and members of their families;

Ensure the safety and protection of the President of the Republic of Uzbekistan and of the heads of foreign States and Governments and the directors of international organizations during their stay in the territory of the Republic of Uzbekistan;

Cooperate with its counterparts in foreign States and international organizations in combating international terrorism;

Organize the work of counter-terrorist units to detect, neutralize and eliminate terrorist groups and organizations;

Exercise other powers in accordance with the law.

"Article 10. Counter-terrorism powers of the Ministry of Internal Affairs of the Republic of Uzbekistan

The Ministry of Internal Affairs of the Republic of Uzbekistan shall:

Conduct efforts to combat terrorism by preventing, detecting and interdicting terrorist activities and minimizing their consequences;

Ensure the protection and security of particularly important classified or other sites;

Provide the relevant State or governmental bodies with information concerning individuals, groups and organizations linked with terrorist activities;

Exercise other powers in accordance with the law.

"Article 11. Counter-terrorism powers of the State Committee on the Protection of the State Border of the Republic of Uzbekistan

The State Committee on the Protection of the State Border of the Republic of Uzbekistan shall:

Ensure the protection and defence of the State border from incursion by terrorists into the territory of the Republic of Uzbekistan;

Take action to detect and intercept the unlawful transfer across the State border of the Republic of Uzbekistan of arms, ammunition, explosives or radioactive, biological, chemical or other poisonous substances, objects or materials that may be used for the purposes of committing a terrorist act;

Neutralize or, where resistance is shown, take action to eliminate terrorists in border areas or border zones;

Exercise other powers in accordance with the law.

"Article 12. Counter-terrorism powers of the State Customs Committee of the Republic of Uzbekistan

The State Customs Committee of the Republic of Uzbekistan shall:

Take action to prevent, detect and intercept the unlawful transfer through crossing points of the State border of the Republic of Uzbekistan of narcotic or psychotropic substances, explosives, explosive devices, armaments, arms and ammunition, nuclear, biological, chemical or other kinds of weapons of mass destruction or materials and equipment that may be used for terrorist activities;

Exercise other powers in accordance with the law.

"Article 13. Counter-terrorism powers of the Ministry of Defence of the Republic of Uzbekistan

The Ministry of Defence of the Republic of Uzbekistan shall:

Ensure the security of the airspace of the Republic of Uzbekistan and defend and protect the administrative, industrial and economic centres and regions of the country and important military and other sites from aerial attack;

Ensure the protection and defence of military sites under its control;

Participate in counter-terrorist operations;

Exercise other powers in accordance with the law.

"Article 14. Counter-terrorism powers of the Ministry of Emergency Situations of the Republic of Uzbekistan

The Ministry of Emergency Situations of the Republic of Uzbekistan shall:

Coordinate on-site activities of ministries, State committees, departments and bodies, adopt measures to protect the population from emergency situations, ensure the reliable functioning of particularly important classified and other sites that might be targeted by terrorists and also eliminate the effects of terrorist activities;

Exercise other powers in accordance with the law."

- In the event of the secret services or the law enforcement bodies of the Republic of Uzbekistan receiving information concerning possible terrorist acts planned by international terrorist organizations or groups in any country in the world, the country concerned will immediately be informed through the diplomatic channel.

Subparagraphs 2 (c) and (d)

- Questions arising in connection with the extradition of nationals of the Republic of Uzbekistan who have committed offences in the territory of Uzbekistan and have escaped abroad, or of foreign nationals who have committed offences abroad and are avoiding investigation in the territory of Uzbekistan, are determined in accordance with the Commonwealth of Independent States (CIS) Convention on Legal Assistance and Legal Relationships in Civil, Family and Criminal Matters, signed in Minsk on 22 January 1993, and in accordance with bilateral treaties and agreements concluded with other States or, failing such agreements, through the diplomatic channel.

The Republic of Uzbekistan is a party to multilateral and bilateral treaties on crime control and extradition with a number of CIS member States, including the Russian Federation, Kazakhstan, Tajikistan, Kyrgyzstan, Turkmenistan, Georgia, Azerbaijan and Moldova.

The Republic of Uzbekistan has also concluded bilateral agreements directly or indirectly relating to extradition with China, India, the Islamic Republic of Iran, Pakistan, Turkey, Latvia, Lithuania and the Republic of Korea and also agreements on cooperation in crime control with the Czech Republic, Bulgaria and Italy.

Paragraph 19 of the procedure for the entry, departure, residence or transit by foreign nationals or stateless persons in the Republic of Uzbekistan, approved in accordance with resolution No. 408 of the Cabinet of Ministers of 21 November 1996, sets out the grounds on which foreign nationals may be refused entry into the Republic of Uzbekistan.

Subparagraph 2 (e)

- Chapter VIII of the Criminal Code of 22 September 1994 establishes criminal liability for offences against the peace and security of mankind. In particular, article 155, "Terrorism", defines terrorism and provides for the corresponding punitive measures: from eight to 20 years of imprisonment, and as an exceptional measure, the death penalty. The Criminal Code also establishes criminal liability for mercenarism, and specifically participation in an armed conflict or military actions in the territory or on behalf of a foreign State, with the aim of receiving material compensation or other private gain (article 154, "Mercenarism"), the penalty being imprisonment for a period of five to 10 years.

The legal rules set forth in chapter IX of the Criminal Code establish penalties for offences committed directly against the Republic of Uzbekistan. A detailed explanation of this chapter is provided below.

Chapters VIII, IX and XVII of the Special Section of the Criminal Code contain rules pertaining to socially dangerous acts perpetrated against the peace and security of mankind, against the Republic of Uzbekistan and against public security.

The actions of terrorist organizations often involve combinations of the offences covered by the three chapters of the Criminal Code described above.

In particular, under chapter VIII, article 150 of the Criminal Code, war propaganda means the dissemination, in any form, of views, ideas or calls to action with the purpose of instigating aggression by one country against another.

Such acts pose a threat to the security of the Republic of Uzbekistan. The perpetrators of such acts may be nationals of the Republic of Uzbekistan or foreign nationals aged 16 years or over.

Article 151 of the Criminal Code, entitled "Aggression", refers to the planning or preparation of a war of aggression, as well as participation in a conspiracy with a view to carrying out such actions.

Aggression poses a threat to external peace and security — the main conditions for the normal existence and development of the sovereign State, the national interest not only of individual countries but of the entire international community, territorial integrity, and political independence.

The perpetrators of aggression may be officials or individuals aged 16 years or over.

Article 152 of the Criminal Code, entitled "Violations of the laws and customs of war", refers to violations of laws and customs of war taking the form of torture, the physical extermination of the civilian population or prisoners of war, forced displacement of the civilian population for forced labour or other purposes, the use of means of waging war that are prohibited by international law, wanton destruction of cities and towns, and the plunder of property, as well as the issuance of orders to carry out such actions.

The scope of this offence includes all forms of violence against persons.

The offender may be any member of the military.

Article 153-1 of the Criminal Code, entitled "Genocide", refers to the deliberate creation of living conditions designed for the full or partial physical extermination of any group of persons based on their national, ethnic, racial or religious characteristics, their full or partial physical extermination, forced reduction of births or the transfer of children from one population group to another, as well as the issuance of orders to carry out such actions.

Genocide poses a direct threat to the system of relationships underpinning the security of mankind and the peaceful coexistence of the inhabitants of the world irrespective of their nationality, ethnicity, race or religious affiliation.

The offender may be any national aged 16 years or over.

Article 154 of the Criminal Code, entitled "Mercenarism" refers to participation, with the aim of receiving material compensation or other private gain, in an armed conflict or military actions in the territory or on behalf of a foreign State by a person who is not a national or a member of the military of the country which is in conflict, or by a person not permanently residing in the territory controlled by a party in conflict, or by a person who is not authorized by any State to carry out duties in the armed forces.

Mercenarism poses a direct threat to peace and security.

The offenders may only be foreign nationals, or persons who do not permanently reside in the territory controlled by a party in conflict, who are hired to take part in an armed conflict or military activities in the territory of any country.

Article 155 of the Criminal Code, entitled "Terrorism", refers to violence, the use of force or other actions creating a danger to persons or property, or the threat of such actions, undertaken with a view to forcing a State body, an international organization or their senior officials, individuals or legal entities to carry out, or to refrain from carrying out, any activity, with the aim of complicating international relations, violating sovereignty and territorial integrity, undermining State security, provoking war or armed conflict, destabilizing the social and political situation or alarming the population, and also activities in support of the existence, functioning or financing of a terrorist organization, the preparation and commission of terrorist acts, as well as the direct or indirect provision or collection of any funds, resources or other services for terrorist organizations by any person who assists or participates in terrorist activities.

Terrorism poses a direct threat to the social relationships underpinning international security, and also threatens the life and health of citizens, their property and system of government. The perpetrators of terrorism may be nationals of the Republic of Uzbekistan, foreign nationals or stateless persons 16 years or over.

Article 156 of the Criminal Code, entitled "Instigation of national racial or religious hatred", refers to deliberate actions which are offensive to national honour and dignity and insulting to the feelings of citizens because of their religious or atheistic convictions, carried out with the aim of eliciting hatred, intolerance or discord towards groups of the population on national, racial, ethnic or religious grounds, as well as the direct or indirect restriction of rights, or the establishment of direct or indirect privileges on the basis of national racial or ethnic affiliation or attitude to religion.

This offence poses a direct threat to the social relationships underpinning national, racial and religious equality.

The offender may be any individual or official aged 16 years or over.

Chapter IX, article 157 of the Criminal Code, entitled "High treason" refers to a deliberate action taken by a national of the Republic of Uzbekistan to the detriment of the sovereignty, territorial integrity, security, defence capability or economy of the Republic: defection to the side of the enemy; espionage; disclosure of State secrets to a foreign State; or offering assistance to a foreign State in carrying out hostile acts against the Republic of Uzbekistan.

High treason poses a threat to the security of the Republic of Uzbekistan.

The perpetrators of high treason may only be a national of the Republic of Uzbekistan. Formal responsibility begins at the age of 16. Generally, however, persons aged 16 to 18, whose moral and political development cannot be considered as complete, cannot be charged with intentional high treason.

Article 158 of the Criminal Code, entitled "Attacks against the President of the Republic of Uzbekistan", refers to attempts on the life of the President.

This offence poses a threat to the authority, prestige, power and the activities of the President, as well as the President's life, health, honour and dignity.

The offender may be a national of the Republic of Uzbekistan, a foreign national or a stateless person aged 16 years or over.

Article 159 of the Criminal Code, entitled "Attacks against the constitutional order of the Republic of Uzbekistan", refers to public calls for unconstitutional change of the existing State structure, for the seizure of power or removal from power of legally elected or designated authorities or for the unconstitutional violation of the unity of the territory of the Republic of Uzbekistan, as well as the dissemination of materials having such a content.

Such attacks on the constitutional structure pose a threat to the social relationships underpinning the security of State power.

The perpetrators of such conspiracies are the same as the perpetrators of other types of attacks on the constitutional order of the Republic of Uzbekistan.

Article 160 of the Criminal Code, entitled "Espionage", refers to the transfer, theft or collection of information constituting a State secret, with the aim of transferring it to a foreign State, organization or their agencies, by a foreign national or a stateless person.

Espionage poses a threat to the social relationships underpinning the security of the Republic of Uzbekistan.

The perpetrator of espionage may only be a foreign national or a stateless person.

Article 161 of the Criminal Code, entitled "Sabotage", refers to actions aimed at destroying people, harming their health, or damaging or destroying their property with the aim of destabilizing the activities of State bodies or the social and political situation, or at undermining the economy of the Republic of Uzbekistan.

Sabotage poses a threat to the social conditions maintained by the State to ensure the security of the Uzbek economy, various forms of ownership, and individual safety and health.

The perpetrator of sabotage may be a national of Uzbekistan, a foreign national or a stateless person aged 16 years or over.

Article 162 of the Criminal Code, entitled "Disclosure of State secrets", refers to the disclosure or transfer of State secrets, namely information comprising a State, military or official secret, by a person to whom such information was entrusted or by whom it became known in the course of his or her official or professional activities. High treason is precluded from this offence.

This offence poses a threat to the social relationships underpinning Uzbekistan's economic and other forms of strength, its defensive capacity, the interests of its enterprises, institutions and organizations and, more specifically, the security of its State secrets.

The offender as specified in article 162, may be any person who is entrusted with State secrets or to whom such secrets become known in the course of his or her official or professional activities. Criminal liability for the disclosure of a State

secret differs according to whether serious consequences ensue as a result of such disclosure.

Article 163 of the Criminal Code, entitled "Loss of documents containing State or military secrets", refers to the loss of objects or substances, information on which constitutes a State or military secret, by a person to whom they have been entrusted in connection with his or her official or professional activities, if such loss has occurred as a result of infringement of the rules governing the handling of such documents, objects or substances.

This offence poses a threat to the security of State or military secrets.

The offender may be any person entrusted with the documents, objects or substances comprising a State or military secret and thus belongs to a special category of offender.

Chapter XVII, article 242, of the Criminal Code, entitled "Organization of criminal associations" refers to the establishment or leadership of a criminal association or groups within that association and any activity aimed at furthering their existence or operations.

This offence poses a threat to the social relationships underpinning public security.

The offender may be any person aged 16 years or over who organizes criminal associations or leads subgroups of such criminal associations, or any other person who is engaged in activities aimed at creating the conditions for such associations to exist and operate.

Article 244 of the Criminal Code, entitled "Mass disturbances" refers to the organization of mass disturbances accompanied by violence directed at persons, rioting, arson, damage to or destruction of property, the use or threat of use of weapons or other objects used as weapons to resist a representative of authority or any active participation in mass disturbances.

Mass disturbances pose a threat to the social relationships underpinning public security.

The offender may be any person directly engaged in destructive activities, rioting or armed resistance to the authorities, or any person organizing mass disturbances. In both cases, the minimum age of responsibility is 16.

Article 244-1 of the Criminal Code, entitled "Preparation or dissemination of materials constituting a threat to public safety and public order", refers to the preparation or dissemination of materials expressing the ideology of religious extremism, separatism or fundamentalism, incitement to riot or the forced eviction of citizens or materials intended to cause public panic, after an official warning.

Article 244-2 of the Criminal Code, entitled "Establishing, leading or participating in religious extremist, separatist, fundamentalist or other prohibited organizations" refers to the offence of establishing, leading or participating in religious extremist, separatist, fundamentalist or other prohibited organizations.

Article 245 of the Criminal Code, entitled "Hostage taking" refers to the offence of taking or holding a person hostage with a view to coercing the State, an international organization or an individual or legal entity into taking or refraining

from taking any action or meeting any condition for the freedom of the hostage, unless the provisions of articles 155 and 165 of the Criminal Code apply.

This type of offence poses a direct threat to the social relationships underpinning public security.

The offenders may be nationals of Uzbekistan, foreign nationals or stateless persons aged 16 years or over.

Article 246 of the Criminal Code, entitled "Smuggling", refers to the transfer over the customs border of Uzbekistan — bypassing customs control either by the fraudulent use of documentation or other means of customs identification or by making no declaration, or making a declaration under a false name — of infective, poisonous, harmful, radioactive or explosive substances, explosive devices, arms, firearms or ammunition, narcotics or psychotropic substances, or material propagating religious extremism, separatism or fundamentalism.

This offence poses a threat to the social relationships underpinning public security.

The smuggler may be a national of Uzbekistan, a foreign national or a stateless person aged 16 years or over.

Article 247 of the Criminal Code, entitled "Unlawful acquisition of firearms, ammunition, explosive substances or explosive devices", refers to the acquisition of firearms, ammunition or explosive devices by means of theft or fraud.

This offence poses a direct threat to the social relationships underpinning public security. The instruments used for the offence are firearms, ammunition, explosive substances or explosive devices.

The offender may be any person aged 14 years or over.

Article 248 of the Criminal Code, entitled "Unlawful possession of firearms, ammunition, explosive substances or explosive devices", refers to the unauthorized preparation, acquisition, carrying, storage, carriage or transportation of firearms, ammunition, explosive substances or explosive devices.

This offence poses a direct threat to the social relationships underpinning public security. The instruments used are firearms, ammunition, explosive substances or explosive devices.

The offender may be any person of sound mind aged 16 years or over.

Article 249 of the Criminal Code, entitled "Negligent storage of firearms or ammunition", refers to the negligent storage of firearms or the ammunition for such firearms resulting in a fatality or other serious consequences.

This offence poses a direct threat to the social relationships underpinning public security. The instruments in question are every type of firearm, including smooth-bore guns, and their ammunition.

The offender may be any person of sound mind aged 16 years or over possessing authorization to keep firearms and their ammunition.

Article 250 of the Criminal Code, entitled "Infringement of regulations relating to the handling of dangerous explosives or pyrotechnical devices" refers to the infringement of regulations concerning the storage, registration, use, carriage or

transportation of explosives, inflammable or caustic substances or pyrotechnical devices, resulting in moderate or grave bodily harm.

This offence poses a direct threat to the social relationships underpinning public security. Instruments used include explosive, inflammable or caustic substances and pyrotechnical devices.

The offender may be any official or private individual aged 16 years or over.

Article 251 of the Criminal Code, entitled "Unlawful acquisition of infective or poisonous substances", refers to the unlawful acquisition of infective or poisonous substances by means of theft or fraud.

This offence poses a direct threat to the social relationships underpinning public security. The instruments used are infective or poisonous substances.

The offender may be any person aged 16 years or over.

Article 252 of the Criminal Code is entitled "Unlawful acquisition of radioactive materials".

This offence poses a direct threat to the social relationships underpinning public security. The instruments used are radioactive materials.

The offender may be any person aged 14 years or over at the time the offence was committed.

Article 253 of the Criminal Code, entitled "Infringement of regulations concerning the handling of radioactive materials", refers to the infringement of regulations concerning the storage, registration, use, carriage or transportation of radioactive materials or of other regulations relating to their handling, resulting in moderate or grave bodily harm.

This offence poses a direct threat to the social relationships underpinning public security. The instruments used are radioactive materials.

The offender may be any person aged 16 years or over who is responsible for registering, using, storing or otherwise handling radioactive materials.

Article 254 of the Criminal Code, entitled "Illegal handling of radioactive materials", refers to the illegal acquisition, storage, use, transfer or destruction of radioactive materials, i.e., sources of ionizing radiation, radioactive substances or nuclear materials in any physical state, as an installation or product, or in any other form, resulting in moderate or serious bodily harm.

This offence poses a direct threat to the social relationships underpinning public security. The instruments used are radioactive materials, radioactive substances or nuclear materials.

The offender may be any person aged 16 years or over.

Article 255 of the Criminal Code, entitled "Violation of the rules for the operation of nuclear installations" refers to a violation of the rules for the operation of nuclear power facilities, resulting in moderate or serious bodily harm.

This offence poses a direct threat to the social relationships underpinning public security.

The offender may be any person of sound mind aged 16 years or over.

Article 255 of the Criminal Code, entitled "Development, production, accumulation, acquisition, transfer, storage, illegal seizure and other acts in relation to bacteriological, chemical and other types of weapons of mass destruction" refers to the development, production, accumulation, acquisition, transfer, storage, illegal seizure and other acts in relation to bacteriological (biological), chemical and other types of weapons of mass destruction that are prohibited by the international treaties to which the Republic of Uzbekistan is a party.

Article 256 of the Criminal Code, entitled "Violation of safety regulations during research work", refers to the violation of safety regulations during scientific research or experimental work, resulting in moderate or grave bodily harm.

This offence poses a direct threat to the social relationships underpinning public security.

The offender may be any person of sound mind aged 16 years or over.

Article 257 of the Criminal Code, entitled "Violation of occupational safety regulations", refers to the violation of the safety, industrial health or other occupational safety regulations by a person responsible for their observance, resulting in moderate or grave bodily harm.

This offence poses a direct threat to the social relationships underpinning public security.

The offender may only be a person who is responsible under the provisions in force and by virtue of his or her professional duties for ensuring the observance of occupational safety regulations.

Article 257-1 of the Criminal Code, entitled "Violation of the health legislation or regulations for the control of epidemics" refers to violations of the health legislation or regulations for the control of epidemics resulting in massive epidemics or poisoning.

Article 258 of the Criminal Code, entitled "Violation of regulations for mine safety, construction work and work with explosives" refers to violation of the regulations for mine safety, construction work and work with explosives, resulting in moderate or grave bodily harm.

This offence poses a direct threat to the social relationships underpinning public security.

The offender may be any person aged 16 years or over who is employed in construction or mining work or work with explosives, who is aware of the corresponding regulations and who, by virtue of his or her activity, is obliged to observe such regulations.

Article 259 of the Criminal Code, entitled "Violation of fire safety regulations" refers to violation of the fire safety regulations by a person who is responsible for their observance, resulting in moderate or grave bodily harm.

This offence poses a direct threat to the social relationships underpinning public security.

The offender may be any person aged 16 years or over.

- The courts of the Republic of Uzbekistan, in accordance with the requirements of articles 11 and 12 of the criminal legislation, are authorized within their areas of competence to bring to trial, as appropriate, the following persons:
  - Those who have committed offences in the territory of the Republic, if the offence was begun, completed or interrupted in the territory of Uzbekistan;
  - Those who have committed offences beyond the borders of Uzbekistan, when the result of the criminal action takes place outside the country;
  - Those who have committed offences in the territory of Uzbekistan, when the result of the criminal action takes place in the country's territory.

The liability of foreign nationals who have committed offences in the territory of the Republic of Uzbekistan is established on the basis of the norms of international law.

Nationals of the Republic of Uzbekistan and stateless persons permanently residing in Uzbekistan who commit offences in the territory of another State are liable to prosecution under the Criminal Code of Uzbekistan if they have not been punished under a verdict issued by a court of the State in the territory of which the offence was committed.

A national of Uzbekistan cannot be extradited for an offence committed in the territory of a foreign State, unless otherwise provided under international treaties or agreements.

Foreign nationals and stateless persons not residing permanently in Uzbekistan can be tried under the Criminal Code of the Republic of Uzbekistan for offences committed outside the country only in cases for which provision is made in international agreements or treaties.

Subparagraph 2 (f)

The legal timeframe within which requests for judicial assistance in criminal investigations or criminal proceedings relating to the financing or other support of terrorist acts are met are defined by the international treaties to which the Republic of Uzbekistan is a party or, in their absence, by the criminal procedural legislation in force in the Republic of Uzbekistan.

Subparagraph 2 (g)

- Control of the movement of narcotics across the State border is effected by the border police, in cooperation with the State Customs Committee and the National Security Service of the Republic of Uzbekistan. The border police stop the illegal transfer of narcotics across the State border by arresting drug runners and their goods. All other actions taken against this type of offender fall within the competence of the National Security Service. The State Commission for Narcotics Control of the Cabinet of Ministers of the Republic of Uzbekistan is responsible for coordinating cooperation among the State bodies responsible for narcotics control.

The State Commission for Narcotics Control is an interdepartmental body which coordinates the campaign against illegal trafficking in narcotic substances, develops and implements effective measures to stop the spread of narcotics at the national and regional levels, and fulfils international obligations for narcotics control.

The Commission's work is carried out on the basis of current and long-term plans. Under paragraph 8 of the Regulations concerning the State Commission for Narcotics Control, the Commission meets as needed. Generally, it holds a meeting once every quarter.

The Commission includes directors from the Ministry of Internal Affairs, the National Security Service, customs, health and education bodies as well as other State bodies of the Republic of Uzbekistan. The composition of the Commission is subject to the approval of the Cabinet of Ministers of the Republic of Uzbekistan.

The Deputy Procurator General, the Chairman of "Uzteleradio" (the Uzbek Television and Radio Company), the Director-General of the National Information Agency, the First Deputy Chairman of the Council of Ministers of the Republic of Karakalpakstan, the first deputy *khokim* of the region and of the city of Tashkent and, as required, representatives of the information media, have a standing invitation to attend the meetings of the State Commission.

The lists of officials invited to the meetings of the State Commission are approved by the Deputy Chairman of the State Commission, who is also the Director of the National Centre.

The Commission's executive body is the National Centre for Narcotics Control of the Cabinet of Ministers. It is responsible, inter alia, for organizing the formulation of a strategy and basic guidelines for the implementation of a State policy in this field. It directly coordinates the activities of ministries and departments engaged in combating illegal narcotics trafficking and in preventing the spread of drug abuse. The National Centre, according to established procedure, organizes data collection and the maintenance of a databank and processes, summarizes and analyses information on the drug abuse situation and the legal and illegal trade in narcotic drugs, psychotropic substances and their precursors both nationally and internationally.

- The State Committee on the Protection of the State Border trains passport-control specialists at the Tashkent military border service higher education institute for service in border-guard units. A database on counterfeiting methods, with samples of forged seals, stamps and documents used in crossing the border of Uzbekistan, has been established and is in use.

Border posts search the database to check documents against the list (currently over 26,000) of lost and stolen documents.

- The security of the State border is ensured by means of continuous defence and protection in accordance with the Act on the State Border of the Republic of Uzbekistan of 20 August 1999.

Border defence and protection are the responsibility of the specially empowered State Committee on the Protection of the State Border, which protects and defends the border, coordinates the activities of national and local administrations, citizens' representative bodies, enterprises, institutes and

organizations in that sphere and manages cooperation on border defence and protection issues with the appropriate border-control services of other States and international organizations.

Physical protection of the State border is the responsibility of the State border police, which stations detachments in sectors along the border and at border crossing points. Operational support for border defence and protection is provided by dedicated departments of the State Committee on the Protection of the State Border and the National Security Service of the Republic of Uzbekistan.

Subparagraphs 3 (a) and (b)

In accordance with article 7 of the Act on combating terrorism of 15 December 2000, the Republic of Uzbekistan is involved in international counter-terrorism cooperation with other States and their law-enforcement agencies and intelligence services, and with international organizations, on the basis of the counter-terrorism conventions (the Republic of Uzbekistan is a party to the 12 international conventions in that field), of multilateral conventions (including those of the Central Asian Cooperation Organization and the Shanghai Cooperation Organization) and of bilateral conventions and agreements (with Turkey, Germany, Pakistan, Tajikistan, the Islamic Republic of Iran and Italy).

The most significant of those instruments, concluded within the framework of the Central Asian cooperation organization, is the Agreement between the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan on joint activities to counter terrorism, political and religious extremism, transnational organized crime and other threats to the stability and security of the parties (Tashkent, 21 April 2000).

See also subparagraphs 2 (c) and (d).

Subparagraph 3 (c)

The answer to this question can be found in the comments on subparagraphs 2 (c) and (d) and 3 (a) and (b).

Subparagraph 3 (d)

In accordance with the Constitution of the Republic of Uzbekistan, the 12 international counter-terrorism conventions and protocols ratified by the Oliy Majlis (Parliament) are part of national legislation.

As explained above, an Act of the Republic of Uzbekistan on combating terrorism was adopted on 15 December 2000 to govern relations in the field of counter-terrorism. The main purposes of the Act are to protect individuals, society and the State from terrorism, defend the sovereignty and territorial integrity of the State and maintain public order and national harmony.

With the entry into force of the Act, the Government launched a review by ministries, State committees and departments to repeal any legislation which conflicted with that Act.

Subparagraph 3 (c)

See subparagraphs 2 (c) and (d) and 3 (a) and (b).

Subparagraph 3 (g)

Article 10 of the Code of Criminal Procedure of the Republic of Uzbekistan of 22 September 1994, which governs the extradition of suspects from Uzbekistan, provides an exhaustive list of instances in which extradition will be denied; politically motivated denial of extradition is not included.

Article 10 of the Code of Criminal Procedure (denial of extradition to another State) provides that extradition shall be denied if:

(1) The persons whose extradition is being requested is a national of the Republic of Uzbekistan (except where otherwise provided in treaties and agreements between the Republic of Uzbekistan and other States);

(2) The offence was committed in the territory of the Republic of Uzbekistan;

(3) The person whose extradition is being requested has already been found guilty of the same offence as that cited in the extradition request, under a sentence which has entered into legal force, or the case has been closed;

(4) The legislation of the Republic of Uzbekistan precludes a trial or implementation of a sentence on the grounds that the statute of limitations has expired or on other legal grounds;

(5) The action providing grounds for the extradition request is not a criminal offence in the Republic of Uzbekistan.

In accordance with article 9 of the Act on Citizenship of the Republic of Uzbekistan of 2 July 1992, no citizen of the Republic of Uzbekistan may be extradited to another State unless an international agreement to which the Republic of Uzbekistan is a party provides otherwise.

To date, the Republic of Uzbekistan has concluded 14 bilateral agreements directly dealing with extradition (5) or including extradition issues (9).

All the agreements connected with extradition which the Republic of Uzbekistan has concluded contain provisions restricting extradition on political grounds.

Paragraph 4

Covered by subparagraphs 2 (c) and 3 (a) and (b).